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## REMARKS

In the Office Action dated December 17, 2003, the Examiner: (1) rejected claims 1, 3-5, 8, 10, and 12 under 35 U.S.C. § 102(b); and (2) rejected claims 2, 6-7, 9, 11, and 13-34 under 35 U.S.C. § 103(a). To the extent the Examiner relies on common knowledge in the art for the § 103(a) rejections, Applicants respectfully request the Examiner to provide references supporting his position. (See M.P.E.P. § 2144.03.)

Applicants have amended claims 1, 3, 9, 10, 27, and 31. No new matter has been added. Applicants have canceled claims 4, 5, 8, and 12-26. Applicants submit that claims 1-3, 6-7, 9-11, and 27-34 are in condition for allowance and respectfully request notice to this effect.

### **1. Response to the 35 U.S.C. § 102(b) Podgorski '691 Rejection**

Claims 1, 3-5, 8, 10, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,670,691 ("Podgorski '691"). Applicants have canceled claims 4, 5, 8, and 12. Thus, Applicants respectfully traverse the rejection of claims 4, 5, 8, and 12 as moot.

In claims 1 and 10, Applicants recite a system and method for restricting a getter. A getter is located in a getter well. The getter well is located in a gyroscope block at a distance away from an optical cavity also located in the gyroscope block. A hole is located in the gyroscope block between the getter well and the optical cavity, which limits gas flow between the getter well and the optical cavity. By limiting the gas flow into the getter well, the getter absorbs non-inert gas at a slower rate, which may increase the operational lifetime of a gyroscope. (See, e.g., Applicants' Specification, page 8, lines 6-11.)

Applicants believe that Podgorski '691 does not show or suggest a getter well located in a gyroscope block at a distance away from an optical cavity also located in the gyroscope block. Further, Applicants believe that Podgorski '691 does not show or suggest a hole located in the gyroscope block between the getter well and the optical cavity that limits gas flow between the getter well and the optical cavity.

Podgorski '691 describes a method for introducing getter material into a gas discharge device. (See, e.g., Podgorski '691, column 1, lines 7-10.) Podgorski '691 introduces the getter material by using a stem portion of an anode that is composed of, at least in part, a getter material. (See, e.g., Podgorski '691, column 2, lines 36-51.) The stem portion is located in cavities 18, 24 (described as getter wells in the Office Action, page 11). Cavities 18, 24 are adjacent to the cavities 17 and 23, which form part of an optical cavity. (See, e.g., Podgorski '691, column 2, lines 3-18 and Fig. 1.)

Because the cavities 18 and 24 (getter wells) are adjacent to the cavities 17 and 23 (optical cavity), Podgorski '691 does not show a getter well that is located at a distance away from an optical cavity. Further, Podgorski '691 does not suggest locating the getter well in the gyroscope block so that the getter well is located at a distance away from the optical cavity. Locating the getter well at a distance away from the optical cavity would limit the getter material from entering the optical cavity, which is contrary to Podgorski '691's objective of introducing the getter material into the optical cavity. Additionally, because the getter well is adjacent to the optical cavity, Applicants believe that Podgorski '691 does not show or suggest a hole located between the getter well and the optical cavity that limits gas flow between the getter well and the optical cavity. As seen in Fig. 1 of Podgorski '691, gas flow between the getter well (cavities 18, 24) and the optical cavity (cavities 17,

23) is limited by the size of the getter well and the optical cavity, and not by a hole between the getter well and the optical cavity.

Because Podgorski '691 does not show or suggest a getter well located in a gyroscope block at a distance away from the optical cavity, or a hole between the getter well and the optical cavity that limits the gas flow between the getter well and the optical cavity, Applicants believe that Podgorski '691 does not show or suggest each and every element of claims 1 and 10. Accordingly, Applicants submit that Podgorski '691 does not anticipate claims 1 and 10.

Claim 3 depends from claim 1. Accordingly, Applicants submit that Podgorski '691 also does not anticipate claim 3 for at least the reasons as described with reference to claim 1.

In light of the amendments and remarks, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections.

## **2. Response to the 35 U.S.C. § 103(a) Podgorski '691 and Common Knowledge Rejection**

Claims 2, 6-7, 9, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Podgorski '691 in view of knowledge of one skilled in the art. Claims 2 and 6-7 depend from claim 1. Claim 11 depends from claim 10.

As described above, Podgorski '691 does not show a getter well located at a distance away from an optical cavity, or a hole between the getter well and the optical cavity that limits the gas flow between the getter well and the optical cavity. The Examiner stated that it would have been obvious to a person of ordinary skill in the art to utilize a barium alloy as the getter material, utilize a snap ring, and arrange the dimension of the hole according to the design requirements. (See Office Action, pages 4-5.) However, these statements of the knowledge of one skilled in the art fail to overcome the deficiencies identified in Podgorski '691. Accordingly, Applicants submit that claims 2,

6-7, and 11 are not obvious in light of the combination of Podgorski '691 and the knowledge of one skilled in the art for at least the reasons described above with reference to claims 1 and 10.

In claim 9, Applicants recite a system for restricting a getter. The system includes a getter well located at a distance away from an optical cavity. A hole is located between the getter well and the optical cavity, which limits gas flow between the getter well and the optical cavity. As described above, Podgorski '691 does not show or suggest a getter well located at a distance away from an optical cavity, or a hole between the getter well and the optical cavity that limits gas flow between the getter well and the optical cavity. Accordingly, Podgorski '691 does not show or suggest each and every element of claim 9. The statement that it would have been obvious to a person of ordinary skill in the art to utilize a barium alloy as the getter material fails to overcome the deficiencies identified in Podgorski '691. Thus, Applicants submit that claim 9 is not obvious in light of the combination of Podgorski '691 and the knowledge of one skilled in the art.

In light of the amendments and remarks, Applicants respectfully request withdrawal of these 35 U.S.C. § 103(a) rejections.

### **3. Response to the 35 U.S.C. § 103(a) Podgorski '985 and Common Knowledge Rejection**

Claims 13-15 and 18-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,740,985 ("Podgorski '985") in view of knowledge of one skilled in the art. Applicants have canceled claims 13-15 and 18-26. Thus, Applicants respectfully traverse the rejection of claims 13-15 and 18-26 as moot.

In claims 27, 31, and 32, Applicants recite a system and method for restricting a getter. A diffusion barrier is located on the getter, which reduces the rate at which the getter absorbs non-inert gases.

Podgorski '985 describes a method for preventing getter materials from entering into the lasing cavity by using an end cover placed between the getter well and the cavity. (See, e.g., Podgorski '985, column 1, line 66 to column 2, line 8.) The end cover covers the passageway into the cavity. (See, e.g., Podgorski '985, column 2, lines 57-59.) However, the end cover is not located on the getter itself. (See, e.g., Podgorski '985, Fig.2.) A diffusion barrier located on the getter would not prevent getter materials from entering into the lasing cavity. Thus, the diffusion barrier located on the getter would not solve the problem addressed by Podgorski '985. Accordingly, Applicants believe that Podgorski '985 does not show or suggest a diffusion barrier located on the getter.

The Examiner stated that it would have been obvious to a person of ordinary skill in the art to utilize barium nitride as the diffusion layer. (See Office Action, page 10.) However, this statement of the knowledge of one skilled in the art fails to overcome the deficiencies identified in Podgorski '985. Because the combination of Podgorski '985 and the knowledge of one skilled in the art does not show or suggest each and every element of claims 27, 31, and 32, Applicants submit that the combination of Podgorski '985 and the knowledge of one skilled in the art does not anticipate claims 27, 31, and 32.

Claims 28-30 depend on claim 27. Claims 33-34 depend from claim 32. Accordingly, Applicants also submit that claims 28-30 and 33-34 are not obvious in light of the combination of Podgorski '985 and the knowledge of one skilled in the art for at least the reasons described above with reference to claims 27 and 32.

In light of the amendments and remarks, Applicants respectfully request withdrawal of these 35 U.S.C. § 103(a) rejections.

#### 4. Response to the 35 U.S.C. § 103(a) Podgorski '985 and Morris Rejection

Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Podgorski '985 in view of U.S. Patent No. 5,856,995 ("Morris"). Applicants have canceled claims 16-17. Thus, Applicants respectfully traverse the rejection of claims 16-17 as moot.

#### CONCLUSION

In light of the above amendments and remarks, Applicants submit that the present application is in condition for allowance and respectfully request notice to this effect. The Examiner is requested to contact Applicants' representative below if any questions arise or she may be of assistance to the Examiner.

Respectfully submitted,

Date: February 17, 2004

By:



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Reg. No. 53,564

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DATE MAILED: April 13, 2004 SBU: 1632  
PATENT APPLICATION FOR: Restricted Getter

INVENTOR(S): Touchberry et al.  
SERIAL NO.: 10/014,993

**THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE  
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☐ Formal Drawing(s); No. of Sheets \_\_\_\_\_  
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OTHER Request for Continued Examination \$ 770.00  
Attorney Docket No.: H16-25558US Attorney: Luxton  
Outside Counsel: McDonnell Boehnen Hulbert & Berghoff LLP

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LMS/sk  
Case No. 00-707

Re: Applicant - Touchberry, et al.

**Restricted Getter**

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

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Date Mailed: April 13, 2004

Respectfully,  
McDonnell Boehnen Hulbert & Berghoff  
Attorney for Applicant

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